

SEALED
UNITED STATES DISTRICT COURT
DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA

v.

CRIMINAL COMPLAINT

CASE NUMBER: 4:12MJ3004

Ronald T. Martell

I, Kenneth H Paulison the undersigned complainant, being duly sworn state the following is true and correct to the best of my knowledge and belief, that in the District of Nebraska, the defendant, Ronald T. Martell, did:

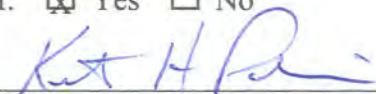
a. On or about January 14, 2012, through the use of a telephone and other instrument of interstate commerce, willfully make threats, and maliciously conveyed false information knowing the same to be false, concerning an attempt and alleged attempt being made, or to be made, to kill, injure, and intimidate individuals and unlawfully damage and destroy buildings, vehicles, and other real and personal property by means of fire and explosives;

in violation of Title 18 United States Code, Sections 844(e)

I further state that I am a Task Force Officer with The Federal Bureau of Investigation and that this complaint is based on the following facts: Official Title

See attached Affidavit of Task Force Officer Kenneth H Paulison.

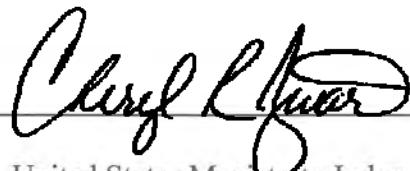
Continued on the attached sheet and made a part hereof: Yes No



Signature of Complainant

Sworn to before me and subscribed in my presence,

1/14/2012 5:16 pm at Lincoln, Nebraska
Date and Time Issued



Cheryl L. Fugger

United States Magistrate Judge

AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT
SEARCH WARRANT APPLICATION

UNITED STATES OF AMERICA

DISTRICT OF NEBRASKA, ss.

Before me personally appeared this date, Kenneth H Paulison, Task Force Officer, Federal Bureau of Investigation (FBI), who being duly sworn, deposes and says that:

A. Introduction

1. Your affiant has been a Task Force Officer of the FBI for three and one half (3 1/2) years. Your affiant has been assigned to investigate alleged violations of Federal statutes including numerous violations of Title 18, United States Code. Your affiant has received specialized training in the investigation and prosecution of criminal cases through FBI training. Your affiant has received additional training in the area of domestic terrorism, including the investigation of threatening communications transmitted through the mails or telephonically.
2. Based upon the investigation, set forth herein, and the experience and training of your affiant, your affiant believes there is probable cause to believe that violations of 18 U.S.C. Sections 844(e), have been committed by Ronald T Martell, and there is probable cause to believe that evidence of these violations is located at his residence at 6226 Elm St Omaha, Nebraska 68106, and in his maroon 1995 Ford Econoline E150 Conversion Van, Nebraska License plate Lic/SGI447, VIN/1FDEE14H4SHB70665.
3. This affidavit is made in support of an application for warrants to search Ronald T Martell's personal residence and motor vehicle, Ronald T Martell, white male, born September 4th, 1955, height 5'8", weight 185 pounds, who resides at 6226 Elm St Omaha, Nebraska 68106.

A photograph of Ronald T Martell has been attached (see Attachment A). Ronald Martell drives a maroon 1995 Ford Econoline E150 Conversion Van Nebraska License plate Lic/ SGI447 registered to the 6226 Elm Street address. Ronald T Martell is currently employed as a van driver for Rail Crew Express, which is a subcontractor for Union Pacific Railroad. This affidavit is based upon personal observation and knowledge of your affiant as well as information provided to me by other law enforcement officers and agents during the course of their investigation into the various threatening communications disclosed in this affidavit. Since this is an affidavit to demonstrate probable cause to believe that crimes have been committed, and evidence of said crimes will be discovered in the places to be searched, not all facts uncovered by the investigation are recited herein, but no facts uncovered by the investigation which would tend to negate a finding of probable cause have been omitted.

B. Factual Background

1. Your affiant and other law enforcement agents and officers have been investigating numerous threatening and inflammatory communications – telephonic – received by both the Pottawattamie County 911 center, located in Council Bluffs, Iowa, and the Douglas County 911 Center located in Omaha, Nebraska. Your affiant is familiar with the facts and circumstances surrounding the threatening communications and is aware of myriad similarities between the telephonic threats, including but not limited to the derogatory language used, the parties receiving the communications and the contents of the threats.
2. The threatening telephone calls received by the Pottawattamie County 911 Center and the Douglas County 911 Center have caused a significant impact not only on the community of Council Bluffs, but especially to the Union Pacific Railroad. The 911 calls and subsequent

evacuation of the Union Pacific Rail Yard in Council Bluffs on the two occasions have caused undue stress to Union Pacific Employee's, and a significant financial loss to the company.

Chronology – Telephonic Threats

a. On January 6, 2012, at approximately 8:49 p.m. an unidentified male called the Pottawattamie County 911 Center via cellular telephone, and stated the following: (911 Center) "911 what's the address of your emergency?" (Unknown Caller) "Union Pacific Train Yard, Council Bluffs." (911 Center) "Ok, where at in Council Bluffs?" (Unknown Caller) "What?" (911 Center) "Where at in Council Bluffs?" (Unknown Caller) "14th and 32nd" (911 Center) "14th Ave and South 32nd?" (Unknown Caller) "Yes." (911 Center) "What's the problem down there?" (Unknown Caller) "I'm a disgruntled employee, they fired me. I planted three bombs." The unknown caller then hangs up. The cellular telephone used in this incident was a 911 only cellular telephone. The information obtained by the Pottawattamie County 911 Center indicated that the phone provided no additional information except a tower location and a 911 number from the cellular telephone being used. The Pottawattamie County 911 Center Director of Communications indicated that the telephone was identified as a 911 only cellular telephone based on the numbers that show up in the 911 Center. The 911 only number provided by Council Bluffs was 911-167-2969.

b. On January 14, 2012, at approximately 4:40 a.m., an unidentified male called the Douglas County 911 Center via cellular telephone. The following is some of the conversation involved in the 911 call. (Unknown Caller) "Hello". (911 Center) "911 Can I help you." (Unknown Caller) "This is Joe Sloger I was a Union Pacific Railroad employee who was terminated last week. I have placed several explosive devices in the Council Bluffs Yard. They

killed me, now I'm gonna kill them." The cellular telephone used in this incident was a 911 only cellular telephone. The information obtained by the Douglas County 911 Center indicated that the phone provided an ESN number of 53302001, along with a tower location and number, along with a 911 number from the cellular telephone being used. The 911 number from the telephone was identified as 911-167-2969

4. Your affiant was provided information from Special Agent Brian Jarrett with the Union Pacific Police Department. SA Jarrett obtained a WAV file, a copy of the conversation, of the first cellular telephone threat to the Pottawattamie County 911 Center on Friday, January 6, 2012. SA Jarrett met with 18 different Union Pacific Railroad Employee's, who are managers at the Council Bluffs Yard. The WAV file was played for each of these employee's, in an attempt to identify the male caller's voice. Thirteen of the manager's were unable to identify the male caller's voice. Five of the UPRR manager's were able to positively identify the male caller's voice as being that of Ronald T. Martell. These five managers supervise Martell directly during day to day operations, and often speak with him in person and over the telephone up to fifteen to twenty times a day. When the five managers identified Martell as being the voice on the recording, all of the managers indicated that Martell has a very distinct voice, that is very discernable. It should be noted that the thirteen managers who did not recognize the voice do not directly work with Martell or any other Rail Crew Express driver's. When SA Jarrett interviewed the five managers as to why they believed Martell would make any threat to UPRR, they indicated that Martell has recently been very disgruntled towards Rail Crew Express. Martell has voiced his displeasure with Rail Crew Express to all five of the UPRR managers.

The reason they provided was Martell was recently in a vehicle accident while on duty, where he was disciplined by Rail Crew Express. Martell expressed to several UPRR employee's that he was not going to get a raise or bonus this year, due to the accident being ruled his fault. This was verified by SA Jarrett via management at Rail Crew Express.

5. On the second cellular telephone call on Saturday, January 14, 2012, at 04:40 a.m. made to the Douglas County 911 Center, it was determined that the caller was calling about another bomb threat to the Council Bluffs Rail Yard. SA Jarrett advised that he was provided information by a UPRR employee that Martell had arrived to the Council Bluffs Rail Yard at approximately 0400 hours on January 14, 2012. The employee indicated that Martell believed that he was scheduled to work on today's date, when he in fact was not scheduled by Rail Crew Express to be working. The UPRR employee advised that Martell was very agitated towards the UPRR employee, until he was told that it had nothing to do with UPRR, but in fact was an issue with Rail Crew Express management. The UPRR employee advised Martell voiced his displeasure for working with Rail Crew Express, and ultimately departed from the UPRR employee's office. Martell was described as being in a visibly agitated state. UPRR employees did observe Martell driving his maroon Ford Econoline van during this time. UPRR employees indicated that Martell was in the office for approximately 10 minutes, from 4:00 a.m. to 4:10 a.m., and then departed the facility.

6. The affiant was able to identify a cellular telephone tower that was used in Council Bluffs during the first 911 call to the Pottawattamie County on Friday, January 6, 2012. This Verizon tower was identified as being at 3236 Nebraska Ave Council Bluffs, Iowa, tower number 00764-2-111. This call also provided a 911 only number from the cellular telephone. That

number provided by Pottawattamie County 911 was 911-167-2969. It should be noted that on the first threat made on January 6, 2012, Martell was working for Rail Crew Express, where he was assigned to transport a UPRR train crew from Grand Island to Fremont Nebraska, and then return to the Council Bluffs Yard for his next assignment. Martell's Rail Crew Express work activity log indicated that Martell had returned to the Council Bluffs Yard at 2055 hours. The 911 call was made at 2049 hours and lasted less than one minute. The cell tower that was used during this 911 call is less than one mile from the Council Bluffs Yard where Martell signed back in to work. SA Jarrett reviewed UPRR surveillance cameras which indicate Martell walked into the Council Bluffs Service Unit Building 1 at 2100 hours. This would place him in the area of the cell tower that was used on this incident.

7. The affiant was able to identify a cellular telephone tower that was used in Omaha during the second 911 call to the Douglas County 911 Center on Saturday, January 14, 2012. This tower was identified as being a Verizon Wireless Cell Tower at 4910 F St Omaha, Nebraska with a tower number of 00215-3-001. It should be noted that during the threat made on January 14, 2012, Martell had come into the UPRR Council Bluffs Yard building one at 4:00 a.m. thinking he was scheduled to work. Martell was upset at not being on the schedule and left the facility. It should be noted that Martell resides at 6226 Elm St Omaha, Nebraska and the cellular telephone tower that was used in the Douglas County 911 call was located at 4910 F St. This tower is within one mile of the residence of Martell, and would most likely be the tower used near his residence. This tower also sits directly south of Interstate 80, which is the direct route from the Council Bluffs Rail Yard to Martell's residence which is north and west of Interstate 80 and 60th Street in Omaha.

Identification of voice on recording from Pottawattamie County 911

8. As stated above, on January 06, 2012, at approximately 8:49 p.m., an unidentified male called the Pottawattamie County 911 Center and made a threat about three bombs being placed in the Union Pacific Railroad Yard in Council Bluffs, Iowa. A copy of the threat call message was made using a recording system from the 911 Center. Five separate UPRR manager's made independent identifications of Martell's voice from the recording.

- A. Brenda Way, Manager of administrative services at the Council Bluffs Service Unit, Union Pacific Railroad, identified the voice on the tape as Ronald Martell. Brenda Way indicated that Martell goes into her office several times a week to discuss his displeasure with Rail Crew Express. Brenda Way has known Martell for over two years, based on his employment.
- B. UPRR Yard office supervisor, Robin Eschell, identified the male caller's voice as Ronald Martell. Robin Eschell indicated that she has worked with Martell for over two years, and often speaks with him on the phone and in person approximately 10 to 15 times per day, several days a week.
- C. UPRR Yard office supervisor, Mary Himelic, identified the male caller's voice as Ronald Martell. Mary Himelic indicated that she has worked with Martell for approximately 6 months and she was quite positive it was Martell, due to his very distinct voice. Himelic indicated that she speaks with Martell approximately 10 to 15 times a day, several days a week.
- D. UPRR Yard office supervisor, Adam Davis, identified the male caller's voice as Ronald Martell. Adam Davis has worked with Martell for less than one year, but speaks with

Martell 10 to 15 times a day, several days per week. Davis did indicate at first he also thought the voice could be of another employee, but after listening to the recording several more times, he indicated that he was quite sure that it was Martell, due to his distinct voice.

E. UPRR Yard office supervisor, Tami Saul, identified the male caller's voice as Ronald Martell. Tami Saul indicated that she worked with Martell for approximately 1 and 1/2 years, and speaks with Martell on the phone and in person approximately 10 to 15 times per day, and several days per week. Both Brenda Way, Robin Eschell, and Tami Saul all indicated that they are very familiar with Martell's voice, due to him coming into their offices several times a week in an attempt to what they described as Martell "flirting with them". All of these managers made independent voice identification.

9. On January 14, 2012 during the call to the Douglas County 911 Center the caller made a statement that his name was "Joe Sloger". Douglas County 911 indicated that they looked up the telephone number and address for Joe Sloger. Douglas County 911 called Joe Sloger at his residence and inquired if he was an employee of Union Pacific Railroad. Sloger indicated that he was a former employee and retired last year. Your affiant listened to the call made to Sloger, and could hear that the voice of Sloger was a different voice from the 911 calls about the bomb threats. SA Jarrett allowed three UPRR manager's, who each have over five years of working relationships with Joe Sloger, listen to the recorded call made to 911 for the bomb threat. Each of these three UPRR manager's stated that they were positive that the male callers voice was not that of Joe Sloger, and they verified Sloger retired from UPRR in 2011.

10. Your affiant served a Court Order to Cellco Partnership d/b/a Verizon Wireless on

January 13, 2012. This request was based on information developed from the Pottawattamie County 911 Center providing a cellular tower and tower number that had been utilized during the first telephone threat. SA Michael Brewer contacted Verizon Wireless on January 14, 2012 and spoke with a Law Enforcement Emergency Response Team (LERT) member about the court order that had been served. The LERT team member indicated that he was able to uncover information on the cellular telephone that made both 911 calls. LERT indicated that the number provided from the cellular telephone that made both 911 calls was 308-546-1181. Database checks on 308-546-1181 indicated that this telephone number is operated by TracPhone, with no subscriber information available.

C. **Conclusion**

11. Your affiant is aware from his training and experience, that often when an individual uses a cellular telephone, this information will remain on the cellular telephone even if the individual attempts to delete these files to evade detection. Your affiant also knows from experience that individuals who purchase cellular telephones often chargers, instructions, packaging and receipts for purchase of the cellular telephone in their homes after the purchase has been made.

12. Based upon the above-stated facts and circumstances, your affiant believes that there is probable cause to believe that Ronald T. Martell made telephonic threats in violation of 18 United States Code, Sections 844(e), and that evidence of these crimes will be found within Martell's personal residence and the vehicle he typically operates. Your affiant respectfully requests a warrant to arrest Ronald T. Martell and warrants to search his residence at 6226 Elm St Omaha, Ne 68106, and his maroon 1995 Ford Econoline E150 Conversion Van with Nebraska

license plate Lic/ SGI447, for the items identified in Attachment B to this Affidavit be issued.

Kenneth H Paulison
Kenneth H Paulison
Task Force Officer
Federal Bureau of Investigation

Sworn to and subscribed before me this 14th day of January, 2012.

Cleral L. Chiaro
United States Magistrate Judge